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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,231	03/27/2001	Ulrich Schreiber	PD000008	2221

7590 04/21/2004

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EXAMINER

YENKE, BRIAN P

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 04/21/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/818,231	SCHREIBER ET AL.
	Examiner BRIAN P. YENKE	Art Unit 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 5-7 is/are rejected.
- 7) Claim(s) 4 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 March 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____ .                                   |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because Fig 1 does not include an explanation/designation for the elements shown, and Fig 2 does not include a title of the components shown (i.e. Audio Encoder). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

2. Claim 6 objected to because of the following informalities: On line 1, the claim states "the discontinuities", since Claim 1 (from which claim 6 is dependent upon) does not include "discontinuities" there is no antecedent basis. Therefore, claim 6 should be corrected by simply deleting the word "the" prior to discontinuities. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al., US 6,611,624.

In considering claims 1 and 7,

- a) *the claimed wherein input time stamps are generated...is met by splicing system 600 which receives MPEG-2 streams 1 and 2, where MPEG-2 streams include time-stamp information, which are extracted via time stamp extractor 610 (Fig 6)*
- b) *the claimed wherein output time stamps are derived from the input time stamps...is met where time stamp adjustor 612 upon receiving the input time stamps from time stamp extractor 610.*
- c) *the claimed wherein output time stamps are derived from the input time stamps using a data delay constant... A data delay constant is created by utilizing a lead time buffering using the first and second pre-buffers 602, 604 and post-buffer 608 (Fig 6, col 8, line 49-59). In addition a data delay is created by offset calculator 1106 (Fig 11) of time stamp adjustor 612 (col 19, line 14-41).*
- d) *the claimed wherein the encoded data with assigned output time stamps are buffered...is met by post buffer 608 and time stamp replacer 614.*
- e) *the claimed for a change of the output delay said data delay constant is changed... is met by offset calculator 1106 which provided the offset, D so the output time stamp (PCR) and PTS/DTS signals are formed by added the offset to the incoming value from the switches. At the time of splice, the calculator then calculates a new offset to the incoming value from switches 10/12.*

In considering claim 5,

Zhang discloses a system which performs accurate bitstream splicing and provides a seamless spliced MPEG-2 video bitstream. Thus giving the broadest interpretation of discontinuities that are softened, Zhang does disclose splicing video data that is frame accurate regardless of bit rate, thus reading on claim 5.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al., US 6,611,624.

Regarding claim 2,

Zhang does not explicitly disclose during a gap in the sequence of output time stamps by stuffing data or zero data or even no data.

The use of stuffing data, sending no data or zero data is conventional in the art in order to align/synchronize signal streams in an input/output scheme.

Thus the examiner takes "OFFICIAL NOTICE" in regards to a system which stuffs data, sends no data or zero data when there is a gap in the sequence of output time stamps.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zhang which discloses the seamless splicing of two

signal streams which can vary its bit rate by altering the output time stamps of the combined signal by accounting for any gaps in the output time stamps by stuffing data, sending no data or zero data, in order to provide an aligned/synchronized output signal stream(s).

Regarding claim 3,

Zhang does not explicitly disclose the discarding of time stamps that include same or overlapping time stamps.

The discarding of time stamps which are the same or overlapping is conventional in the art, since only one time stamp for a frame is required.

Therefore, the examiner takes OFFICIAL NOTICE in regards to a system that discards time stamps which are similar or time stamps that overlap.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zhang which discloses the seamless splicing of two signal streams which can vary its bit rate by discarding time stamps which are similar or overlapping in order to eliminate duplicate frames from being output.

Regarding claim 6,

Zhang does not explicitly disclose the softening (fading in/out) of the discontinuities before/after the gap or skipped part.

The use of fading-in/out to eliminate/reduce the discontinuities of a video or audio stream are conventional in the art. Thus, the examiner takes "OFFICIAL NOTICE" in

regards to a system which performs fading-in/out to eliminate the discontinuities in a signal stream.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zhang which discloses the seamless splicing of two signal streams which can vary its bit rate by altering the output time stamps of the combined signal, by also fading in/out of the streams before and after any gap in the stream, in order to provide an output which is properly timed/synchronized.

***Allowable Subject Matter***

5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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800-PTO-9199 or 703-308-HELP

(FAX) 703-305-7786

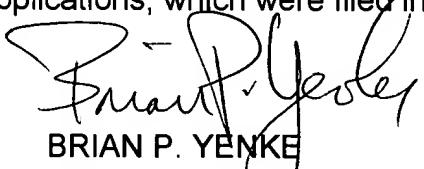
(TDD) 703-305-7785

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BRIAN P. YENKE  
Primary Examiner  
Art Unit 2614



B.P.Y.  
18 April 2004